

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 3:06-cr-57-MHT
)
 ORAS KEITH DRIVER)

RESPONSE TO DEFENDANT'S SENTENCING POSITION STATEMENT

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to the Sentencing Position Statement filed by the Defendant herein, the following is submitted:

- 1) The United States has reviewed the case file, the Presentence Report, the Defendant's position statement and has talked with Probation Officer Terrence Marshall in its review of the sentencing issue.
- 2) All parties agree the Defendant has a criminal history category of I. The parties also agree the Defendant's offense level is 12 pursuant to advisory sentencing guidelines. This results in a sentencing range of 10 to 16 months and is within Zone C of the guidelines sentencing table.
- 3) The United States does agree that the Defendant's request for a sentence of 5 months imprisonment and 5 months home detention is authorized. However, the United States has not seen the photographs and reports concerning the home detention site as referred to in the sentencing position statement, paragraph 11.
- 4) Provided the probation officer who would be responsible for the Defendant's home detention is satisfied that the Defendant is a candidate for 5 months home detention, the United States would have no objection.

Respectfully submitted this the 8th day of January, 2007.

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Michael Petersen.

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

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